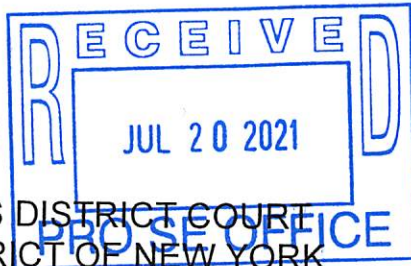


ORIGINAL



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 20 2021 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ANDRE P. DIGGS

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT

42 U.S.C. § 1983

JURY DEMAND

YES ☒ NO ☐

-against-

CV 21 - 4113

CHEN, J.

POLICE OFFICER JOHN DOE
Arresting Officer ID # 957343
(individually and in his official capacity)

City of New York et al.
Defendant(s).

BLOOM, M.J.

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff

ANDRE P. DIGGS

If you are incarcerated, provide the name of the facility and address:

FIVE POINTS CORRECTIONAL FACILITY
State Route 96, P.O. Box 119
ROMULUS, NEW YORK, 14541

Prisoner ID Number:

Din.# 20A1664

If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

POLICE OFFICER JOHN DOE
Full Name (Arresting officer ID # 957343)
POLICE OFFICER
Job Title
1 Police Plaza
NEW YORK, N.Y., 10007
Address

Defendant No. 2

CITY OF NEW YORK
Full Name
LAW DEPARTMENT
Job Title
100 CHURCH STREET
NEW YORK, N.Y., 10007
Address

Defendant No. 3

Full Name

Job Title

Address

Defendant No. 4

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? City of Staten
Island in the state of New York.

When did the events happen? (include approximate time and date) February 8,
2020 at 11:17 am (11:17:00).

Facts: (what happened?)

On February 8, 2020
 I was falsely arrested for the crimes
 of petit larceny and possession of stolen
 property on Staten Island in the state
 of New York. This case was continued
 on for about eight months until it
 was finally dismissed on October 2,
 2020. The case number for this case
 is Docket number 006830/2020. This
 was in direct violation of my 8th
 Amendment right of the United States
 Constitution which states "Excessive
 bail shall not be required nor excessive
 fines imposed, nor cruel and unusual
 punishments inflicted. And this claim
 arose by the actions committed by my
 arresting officer John Doe who's ID #
 957343

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

N	A
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III. Relief: State what relief you are seeking if you prevail on your complaint.

It would like to be compensated with (\$1,000,000) One Million dollars in monetary damages.

I declare under penalty of perjury that on 7/10/21, I delivered this
(date)
complaint to prison authorities at FIVE POINTS C.F. to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/10/21

Enrique P. d'Aggio
Signature of Plaintiff

FIVE POINTS Correctional Facility
Name of Prison Facility or Address if not incarcerated

State Route 96, P.O. Box 119
Romulus, New York
12541

Address

In # 20A1664
Prisoner ID#

Exhibit

A

SUPREME COURT OF THE STATE OF NEW YORK
RICHMOND COUNTY
COUNTY COURT HOUSE
18 RICHMOND TERRACE
STATEN ISLAND, NY 10301

FEE:\$10.00

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 06/10/2021

CERTIFICATE OF DISPOSITION NUMBER: 5095

PEOPLE OF THE STATE OF NEW YORK
VS.

CASE NUMBER: 00683C-2020
LOWER COURT NUMBER(S): CR-000683-20RI
DATE OF ARREST: 02/08/2020
ARREST #: S20600880
DATE OF BIRTH: 02/06/1981

DIGGS, ANDRE

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 10/02/2020 THE ABOVE ACTION WAS DISMISSED AND ALL PENDING CRIMINAL CHARGES RELATED TO THIS ACTION WERE ALSO DISMISSED BY THE HONORABLE GARNETT, W THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

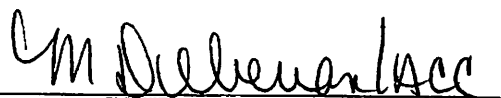
THE ABOVE MENTIONED DISMISSAL IS A TERMINATION OF THE CRIMINAL ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 06/10/2021.



CLERK OF COURT



COURT CLERK

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40 - including any appearing on this certificate of disposition - are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise - unless specifically required or permitted to do so by statute.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or

"365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.